

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 1014 & 730
93RD GENERAL ASSEMBLY

Reported from the Committee on Elections April 27, 2006 with recommendation that House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4947L.18C

AN ACT

To repeal sections 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.631, and 115.637, RSMo, and to enact in lieu thereof twenty-one new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.631, and 115.637, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 115.002, 115.024, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, 115.631, and 115.637, to read as follows:

115.002. Sections 115.002, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, 115.631, and 115.637 may be cited as the "Missouri Voter Protection Act".

115.024. 1. As used in this section, "disaster" means any catastrophic or natural disaster, statewide or nationwide emergency, technological hazard, man-made disaster,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 resource shortage, civil disorder, insurgency, bioterrorism attack, terrorist attack, or
4 enemy attack.

5 2. The supreme court shall by rule establish a panel in each district of each court
6 of appeals of the state to consider petitions filed under this section. Each panel shall consist
7 of three court of appeals judges from such district, and shall be known as the "Election
8 Panel" of the district in which it is established.

9 3. In the event that any disaster prohibits any election from occurring on the day
10 the election is required to be held under this chapter, the election authority of the city or
11 county in which the election was to be held may petition the election panel of the district
12 in which the city or county is located for the election panel to authorize a relocation of the
13 polling places affected by such disaster, or to schedule a new date upon which the election
14 authority may conduct the election. The petition shall include the following:

15 (1) A description of the event prohibiting the election from occurring;

16 (2) A statement of the reasons the election cannot be held on the day required by
17 law;

18 (3) The election authority's recommendation for relocation of the polling places or
19 the new date upon which the election shall be held;

20 (4) A statement of the plan for providing notice to voters of the new location or new
21 date of the election;

22 (5) A statement that the election authority will be able to conduct the election at the
23 recommended location or on the recommended new date in the same manner as the election
24 would have been conducted had the disaster not occurred.

25 4. If satisfied that the election authority will be unable to conduct the election as
26 required by this chapter and that the recommended relocation of the polling places or new
27 date of the election will allow voters to vote as provided by law, the election panel shall
28 issue an order to the election authority to relocate the polling places or to conduct the
29 election on the new date as set by the election panel.

30 5. The election authority shall provide notice to all voters in the election authority's
31 jurisdiction in the same manner as required for elections by this chapter, provided that the
32 requirements for the date and time of providing such notice in this chapter shall not apply.
33 Notice of the election shall include a copy of the order issued by the election panel.

34 6. The election authority may use the same ballots that were printed for the election
35 that was relocated or rescheduled under this section, unless such ballots were damaged,
36 destroyed, lost, or spoiled by the disaster.

37 7. All procedures for voting, counting of votes, and contesting elections required
38 under this section shall apply to any election relocated or rescheduled under this section,

39 **provided that any requirements for deadlines under this chapter that cannot be met**
40 **because of the relocation or rescheduling of the election shall be rescheduled by the election**
41 **panel.**

42 **8. The election authority may appeal any order issued by the election panel under**
43 **this section to the supreme court, and the supreme court shall hear such appeal**
44 **immediately.**

115.159. 1. Any person who is qualified to register in Missouri shall, upon application,
2 be entitled to register by mail. Upon request, application forms shall be furnished by the election
3 authority or the secretary of state.

4 2. [Notwithstanding any provision of law to the contrary, the election authority shall not
5 deliver any voter identification card to any person who registers to vote by mail until after such
6 person has voted, in person, after presentation of a proper form of identification, for the first time
7 following registration at the new polling place designated by the election authority. An
8 individual who has registered to vote by mail and who desires to vote in person, but who does
9 not present a proper form of identification for the first time following registration, may cast a
10 provisional ballot. Such provisional ballot shall not be counted pursuant to this chapter, and the
11 individual shall be notified of the reason for not counting the ballot.

12 3.] Notwithstanding any provision of law to the contrary, the election authority shall not
13 deliver any absentee ballot to any person who registers to vote by mail until after such person
14 has:

15 (1) Voted, in person, after presentation of a proper form of identification set out in
16 section 115.427, for the first time following registration; or

17 (2) Provided a copy of identification set out in section 115.427 to the election authority.
18

19 This subsection shall not apply to those persons identified in section 115.283 who are exempted
20 from obtaining a notary seal or signature on their absentee ballots. An individual who has
21 registered to vote by mail but who does not meet the requirements of this subsection may cast
22 a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the
23 individual shall be notified of the reason for not counting the ballot.

24 [4. Subsections 2 and 3] **3. Subsection 2** of this section shall not apply in the case of
25 a person:

26 (1) Who registers to vote by mail pursuant to Section 6 of the National Voter
27 Registration Act of 1993 and submits **a copy of a current and valid photo identification** as
28 part of such registration [either:

29 (a) A copy of a current and valid photo identification; or

30 (b) A copy of a current utility bill, bank statement, government check, paycheck, or
31 government document that shows the name and address of the voter];

32 (2) Who registers to vote by mail pursuant to Section 6 of the National Voter
33 Registration Act of 1993 and:

34 (a) Submits with such registration either a driver's license number, or at least the last four
35 digits of the individual's Social Security number; and

36 (b) With respect to whom the secretary of state matches the information submitted
37 pursuant to paragraph (a) of this subdivision with an existing state identification record bearing
38 the same number, name, and date of birth as provided in such registration;

39 (3) Who is:

40 (a) Entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens
41 Absentee Voting Act;

42 (b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii)
43 of the Voting Accessibility for the Elderly and Handicapped Act; or

44 (c) Entitled to vote otherwise than in person pursuant to any other federal law.

115.163. 1. Each election authority shall [arrange one set of registration cards into
2 permanent binders] **use the "Missouri Voter Registration System" established by section**
3 **115.158 to prepare a list of legally registered voters** for each precinct[, or it may authorize the
4 creation of computerized lists for each precinct]. The [computerized lists or binder] **list** shall be
5 arranged alphabetically or by street address as the election authority determines and shall be
6 known as the "precinct register". [At least one set of registration cards shall be arranged in a
7 central file in such a manner as the election authority determines, and shall be known as the
8 "headquarters register". The election authority shall be the custodian of the registration records,
9 and no cards or records shall be removed or handled except at its direction and under its
10 supervision.] The precinct registers shall be kept by the election authority in a secure place,
11 except when given to election judges for use at an election. Except as provided in subsection 2
12 of section 115.157, all registration records shall be open to inspection by the public at all
13 reasonable times.

14 2. [In counties using computer printouts as precinct registers,] A new [computer printout]
15 **precinct register** shall be [printed] **prepared by the election authority** prior to each election.

16 3. [In those counties using computer printouts as precinct registers,] The election
17 authority shall send to each voter a voter [identification] **notification** card no later than ninety
18 days prior to the date of a primary or general election for federal office, unless the voter has
19 received such a card during the preceding six months. The voter [identification] **notification**
20 card shall contain the voter's name, address, **and** precinct [and a signature line]. The card **shall**
21 **also inform the voter of the personal identification requirement in section 115.427, and** may

22 also contain other voting information at the discretion of the election authority. [The voter shall
23 be instructed to sign the card for use as identification at the polls.] The voter [identification]
24 **notification** card shall be sent to a voter after a new registration or a change of address. If any
25 voter shall lose his voter [identification] **notification** card he may request a new one from the
26 election authority. The voter [identification] **notification** card authorized pursuant to this section
27 may be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to
28 115.193. Except as provided in subsection 2 of section 115.157, anyone, upon request and
29 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly
30 registered voters or voters deleted from the voting rolls, since the last canvass or updating of the
31 rolls. The election authority may authorize the use of the postal service contractors under the
32 federal National Change of Address program to identify those voters whose address is not correct
33 on the voter registration records. The election authority shall not be required to mail a voter
34 registration card to those voters whose addresses are incorrect. Confirmation notices to such
35 voters required by section 115.193 shall be sent to the corrected address provided by the National
36 Change of Address program.

**115.203. 1. No person shall pay or otherwise compensate any other person for
2 registering voters based on the number of:**

- 3 **(1) Voters registered by the other person;**
- 4 **(2) Voter registration applications collected by the other person; or**
- 5 **(3) Voter registration applications submitted to election officials by the other**
6 **person.**

7 **2. No person shall receive or accept payment or any other compensation from any**
8 **other person for registering voters based on the number of:**

- 9 **(1) Voters registered by the person receiving or accepting payment or other**
10 **compensation;**
- 11 **(2) Voter registration applications collected by the person receiving or accepting**
12 **payment or other compensation;**
- 13 **(3) Voter registration applications submitted to election officials by the person**
14 **receiving or accepting payment or other compensation.**

15 **3. No person who agrees or offers to submit a voter registration application for**
16 **another person shall knowingly destroy, deface, or conceal such voter registration**
17 **application.**

18 **4. Any person who accepts or receives a voter registration application from another**
19 **person and agrees or offers to submit such application to the election authority for the**
20 **registrant shall deliver the application to the election authority within seven days of**
21 **accepting or receiving the application.**

22 **5. A violation of this section is a class four election offense.**

115.205. 1. Any person who is paid or otherwise compensated for soliciting more
2 **than ten voter registration applications, other than a governmental entity or a person who**
3 **is paid or compensated by a governmental entity for such solicitation, shall be registered**
4 **with the secretary of state as a voter registration solicitor. A voter registration solicitor**
5 **shall register for every election cycle that begins on the day after the general election and**
6 **ends on the day of the general election two years later. A voter registration solicitor shall**
7 **be at least eighteen years of age and shall be a registered voter in the state of Missouri.**

8 **2. Each voter registration solicitor shall provide the following information in**
9 **writing to the secretary of state's office:**

10 **(1) The name of the voter registration solicitor;**

11 **(2) The residential address, including street number, city, state, and zip code;**

12 **(3) The mailing address, if different from the residential address;**

13 **(4) Whether the voter registration solicitor expects to be paid for soliciting voter**
14 **registrations;**

15 **(5) If the voter registration solicitor expects to be paid, the identity of the payor;**
16 **or**

17 **(6) The signature of the voter registration solicitor.**

18 **3. The solicitor information required in subsection 2 of this section shall be**
19 **submitted to the secretary of state's office with the following oath and affirmation:**

20 **"I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL**
21 **STATEMENTS MADE BY ME ARE TRUE AND CORRECT."**

22 **4. Any voter registration solicitor who knowingly fails to register with the secretary**
23 **of state is guilty of a class three election offense. Voter registration applications shall be**
24 **accepted by the election authority if such applications are otherwise valid, even if the voter**
25 **registration solicitor who procured the applications fails to register with or submits false**
26 **information to the secretary of state.**

115.219. 1. Any person who believes a violation of any provision of Title III of the
2 **Help America Vote Act of 2002 (HAVA), 42 U.S.C. Sections 15481 to 15485, as amended,**
3 **has occurred, is occurring, or is about to occur may file a complaint with the elections**
4 **division of the secretary of state's office.**

5 **2. Any complaint filed under this section shall:**

6 **(1) Be in writing, signed, and sworn to before a notary public commissioned by the**
7 **state of Missouri;**

8 **(2) Be filed within thirty days of the certification of the election in which the**
9 **violation is alleged to have occurred and state the following:**

10 (a) The name and mailing address of the person or persons alleged to have
11 committed the violation of Title III of HAVA described in the complaint;

12 (b) A description of the act or acts that the person filing the complaint believes is
13 a violation of Title III of HAVA; and

14 (c) The nature of the injury suffered or about to be suffered by the person filing the
15 complaint.

16 3. The elections division shall promptly provide a copy of the complaint by certified
17 mail to:

18 (1) All persons identified in the complaint as possible violators of Title III of
19 HAVA; and

20 (2) The election authority in whose jurisdiction the violation is alleged to have
21 occurred or is about to occur.

22 4. The elections division may consolidate complaints filed under this section.

23 5. Upon the proper filing of a complaint under this section, the secretary of state
24 shall appoint a presiding officer who shall conduct an investigation of the complaint.

25 6. At the request of the person filing the complaint or if the presiding officer
26 believes that the circumstances so dictate, the presiding officer shall conduct a hearing on
27 the complaint and prepare a record on the hearing, such hearing to be conducted within
28 ten days of the request of the person filing the complaint.

29 7. Upon completion of the investigation, the presiding officer shall submit the
30 results to the elections division, which shall then issue a written report. The elections
31 division shall provide a copy of the report by certified mail to:

32 (1) The person who filed the complaint;

33 (2) The person or persons alleged to have committed the violation; and

34 (3) The election authority in whose jurisdiction the violation is alleged to have
35 occurred.

36 8. The report described in subsection 7 of this section shall:

37 (1) Indicate the date when the complaint was received by the elections division;

38 (2) Contain findings of fact regarding the alleged violation and state whether a
39 violation of Title III of HAVA has occurred;

40 (3) State what steps, if any, the person or persons alleged to have committed a
41 violation have taken to correct or prevent any recurrence;

42 (4) Suggest any additional measures that could be taken to correct the violation;

43 (5) Indicate the date a violation was corrected or is expected to be corrected;

44 (6) Provide any additional information or recommendations useful in resolving the
45 complaint.

46 **9. If the elections division determines that there is a violation of Title III of HAVA,**
47 **the elections division shall determine and provide the appropriate remedy, as authorized**
48 **by law to do so. If the elections division determines that it is not authorized by law to**
49 **provide an appropriate remedy, the elections division shall, if possible, refer the matter to**
50 **the appropriate agency or office that has jurisdiction.**

115.225. 1. Before use by election authorities in this state, the secretary of state shall
2 approve the marking devices and the automatic tabulating equipment used in electronic voting
3 systems and may promulgate rules and regulations to implement the intent of sections 115.225
4 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as a voter is
8 lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as a voter is lawfully
10 entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for each office as a
12 voter is lawfully entitled to cast;

13 (5) [Permits each voter at a general election to vote for all candidates of one party by one
14 punch or mark or to vote a split ticket, as a voter desires;

15 (6)] Permits each voter in a primary election to vote for the candidates of only one party
16 announced by the voter in advance;

17 [(7)] (6) Permits each voter at a presidential election to vote by use of a single punch or
18 mark for the candidates of one party or group of petitioners for president, vice president and their
19 presidential electors;

20 [(8)] (7) Accurately counts all proper votes cast for each candidate and for and against
21 each question;

22 [(9)] (8) Is set to reject all votes, except write-in votes, for any office and on any question
23 when the number of votes exceeds the number a voter is lawfully entitled to cast;

24 [(10)] (9) Permits each voter, while voting, to clearly see the ballot label;

25 [(11)] (10) Has been tested and is certified by an independent authority that meets the
26 voting system standards developed by the Federal Election Commission or its successor agency.
27 The provisions of this subdivision shall not be required for any system purchased prior to August
28 28, 2002.

29 3. The secretary of state shall promulgate rules and regulations to allow the use of a
30 computerized voting system. The procedures shall provide for the use of a computerized voting
31 system with the ability to provide a paper audit trail. Notwithstanding any provisions of this

chapter to the contrary, such a system may allow for the storage of processed ballot materials in an electronic form.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.237. 1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of all offices and candidates certified or filed pursuant to this chapter and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. Except as provided in subsection [4] 5 of this section, each ballot shall have:

(1) Each party name printed in capital letters not less than eighteen point in size;

(2) [A circle one-half inch in diameter immediately below each party name;

(3)] The name of each office printed in capital letters not less than eight point in size;

[4)] (3) The name of each candidate printed in capital letters not less than ten point in size;

[(5)] (4) A small square, the sides of which shall not be less than one-fourth inch in length, printed directly to the left of each candidate's name and on the same line as the candidate's name. When write-in votes are authorized and no candidate's name is to be printed under the name of an office in a party or nonpartisan column, under the name of the office in the column shall be printed a square. Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a person whose name does not appear on the ballot. When more than one position is to be filled for an office, and the number of candidates' names under the office in a column is less than the number of positions to be filled, the number of squares and

26 write-in lines printed in the column shall equal the difference between the number of candidates'
 27 names and the number of positions to be filled;

28 [(6)] (5) The list of candidates of each party and all nonpartisan candidates placed in
 29 separate columns with a heavy vertical line between each list;

30 [(7)] (6) A horizontal line extending across the ballot three-eighths of an inch below the
 31 last name or write-in line under each office in such a manner that the names of all candidates and
 32 all write-in lines for the same office appear between the same horizontal lines. If write-in votes
 33 are not authorized, the horizontal line shall extend across the ballot three-eighths of an inch
 34 below the name of the last candidate under each office;

35 [(8)] (7) In a separate column or beneath a heavy horizontal line under all names and
 36 write-in lines, all questions;

37 [(9)] (8) At least three-eighths of an inch below all other matter on the ballot, printed in
 38 ten-point Gothic type, the words "Instructions to Voters" followed by directions to the voter on
 39 marking the ballot as provided in section 115.439;

40 [(10)] (9) Printed at the top on the face of the ballot the words "Official Ballot" followed
 41 by the date of the election and the statement "Instruction to Voters: Place an X in the square
 42 opposite the name of the person for whom you wish to vote.".

43 3. As nearly as practicable, each ballot shall be in substantially the following form:

44 OFFICIAL BALLOT

DATE

45 46 47 48 49 50	REPUBLICAN [○ For President and Vice President □.....	DEMOCRATIC ○ For President and Vice President □.....	THIRD PARTY ○ For President and Vice President □.....	INDEPENDENT ○] For President and Vice President □.....
51 52 53 54	For United States Senator □.....	For United States Senator □.....	For United States Senator □.....	For United States Senator □.....
55 56	For Governor □.....	For Governor □.....	For Governor □.....	For Governor □.....

57	For Lieutenant Governor	For Lieutenant Governor	For Lieutenant Governor	For Lieutenant Governor
58				
59	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60	For Secretary of State	For Secretary of State	For Secretary of State	For Secretary of State
61				
62	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63	For Treasurer	For Treasurer	For Treasurer	For Treasurer
64	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65	For Attorney General	For Attorney General	For Attorney General	For Attorney General
66				
67	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68	For United States Representative	For United States Representative	For United States Representative	For United States Representative
69				
70				
71	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
72	For State Senator	For State Senator	For State Senator	For State Senator
73				
74	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75	For State Representative	For State Representative	For State Representative	For State Representative
76				
77	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
78	For Circuit Judge	For Circuit Judge	For Circuit Judge	For Circuit Judge
79				
80	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

81 4. **No ballot printed or designed for use with an electronic voting system for any**
82 **partisan election held under this chapter shall allow a person to vote a straight political**
83 **party ticket. For purposes of this subsection, a "straight political party ticket" means**
84 **voting for all of the candidates for elective office who are on the ballot representing a single**
85 **political party by a single selection on the ballot.**

86 5. The secretary of state shall promulgate rules that specify uniform standards for ballot
87 layout for each electronic or computerized ballot counting system approved under the provisions
88 of section 115.225 so that the ballot used with any counting system is, where possible, consistent
89 with the intent of this section. Nothing in this section shall be construed to require the format
90 specified in this section if it does not meet the requirements of the ballot counting system used
91 by the election authority.

92 [5.] 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
93 that is created under the authority delegated in this section shall become effective only if it
94 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
95 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
96 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
97 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
98 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall
99 be invalid and void.

115.247. 1. Each election authority shall provide all ballots for every election within its
2 jurisdiction. Ballots other than those printed by the election authority in accordance with
3 sections 115.001 to 115.641 and [sections 51.450 and] **section 51.460**, RSMo, shall not be cast
4 or counted at any election.

5 2. Whenever it appears that an error has occurred in any publication required by sections
6 115.001 to 115.641 and [sections 51.450 and] **section 51.460**, RSMo, or in the printing of any
7 ballot, any circuit court may, upon the application of any voter, order the appropriate election
8 authorities to correct the error or to show cause why the error should not be corrected.

9 3. For each election **except a general election**, the election authority shall provide for
10 each polling place in its jurisdiction [fifty-five ballots for each fifty and fraction of fifty voters
11 registered in the voting district at the time of the election] **a number of ballots equal to at least**
12 **one and one-third times the number of ballots cast in the voting district served by such**
13 **polling place at the election held two years before at that polling place or at the polling**
14 **place that served the voting district in the previous election. For each general election, the**
15 **election authority shall provide for each polling place in its jurisdiction a number of ballots**
16 **equal to at least one and one-third times the number of ballots cast in the voting district**
17 **served by such polling place or at the polling place that served the voting district in the**

18 **general election held four years prior. When determining the number of ballots to provide**
19 **for each polling place, the election authority shall consider any factors that would affect**
20 **the turnout at such polling place.** The election authority shall keep a record of the exact
21 number of ballots delivered to each polling place. For purposes of this subsection, the election
22 authority shall not be required to count registered voters designated as inactive pursuant to
23 section 115.193.

24 4. After the polls have closed on every election day, the election judges shall return all
25 unused ballots to the election authority with the other election supplies. All unused ballots
26 delivered to the election authority may be distributed by the election authority to schools in its
27 jurisdiction. Before distribution, all unused ballots shall be stamped "void" or otherwise altered
28 by the election authority.

29 5. All ballots cast in public elections shall be printed and distributed at public expense,
30 payable as provided in sections 115.061 to 115.077.

115.249. No voting machine shall be used unless it

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully
4 entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled
6 to vote on, and no more;
- 7 (4) Provides facilities for each voter to cast as many write-in votes for each office as he
8 is lawfully entitled to cast;
- 9 (5) [Permits each voter at a general election to vote for all candidates of one party by use
10 of a single lever or to vote a split ticket, as he desires;
- 11 (6)] Permits each voter in a primary election to vote for the candidates of only one party
12 announced by the voter in advance;
- 13 [(7)] (6) Permits each voter at a presidential election to vote by use of a single lever for
14 the candidates of one party or group of petitioners for president, vice president and their
15 presidential electors;
- 16 [(8)] (7) Correctly registers or records and accurately counts all votes cast for each
17 candidate and for and against each question;
- 18 [(9)] (8) Is provided with a lock or locks which prevent any movement of the voting or
19 registering mechanism and any tampering with the mechanism;
- 20 [(10)] (9) Is provided with a protective counter or other device whereby any operation
21 of the machine before or after an election will be detected;
- 22 [(11)] (10) Is provided with a counter which shows at all times during the election how
23 many people have voted on the machine;

24 [(12)] (11) Is provided with a proper light which enables each voter, while voting, to
25 clearly see the ballot labels;

26 [(13)] (12) Is provided with a mechanical model, illustrating the manner of voting on the
27 machine, suitable for the instruction of voters.

115.427. 1. Before receiving a ballot, voters shall [identify themselves] **establish their**
2 **identity and eligibility to vote at the polling place** by presenting a form of personal
3 identification [from the following list:

4 (1) Identification issued by the state of Missouri, an agency of the state, or a local
5 election authority of the state;

6 (2) Identification issued by the United States government or agency thereof;

7 (3) Identification issued by an institution of higher education, including a university,
8 college, vocational and technical school, located within the state of Missouri;

9 (4) A copy of a current utility bill, bank statement, government check, paycheck or other
10 government document that contains the name and address of the voter;

11 (5) Driver's license or state identification card issued by another state; or

12 (6) Other identification approved by the secretary of state under rules promulgated
13 pursuant to subsection 3 of this section other identification approved by federal law.

14 Personal knowledge of the voter by two supervising election judges, one from each major
15 political party, shall be acceptable voter identification upon the completion of a secretary of
16 state-approved affidavit that is signed by both supervisory election judges and the voter that
17 attests to the personal knowledge of the voter by the two supervisory election judges. The
18 secretary of state may provide by rule for a sample affidavit to be used for such purpose].

19 **"Personal identification" shall only mean one of the following:**

20 (1) **Nonexpired Missouri driver's license showing the name and a photograph or**
21 **digital image of the individual; or**

22 (2) **Nonexpired or nonexpiring Missouri nondriver's license showing the name and**
23 **a photographic or digital image of the individual; or**

24 (3) **A document that satisfies all of the following requirements:**

25 (a) **The document contains the name of the individual to whom the document was**
26 **issued, and the name substantially conforms to the most recent signature in the individual's**
27 **voter registration record;**

28 (b) **The document shows a photographic or digital image of the individual;**

29 (c) **The document includes an expiration date, and the document is not expired, or**
30 **if expired, expired not before the date of the most recent general election; or**

31 (d) **The document was issued by the United States or the state of Missouri; or**

(4) Any identification containing a photographic or digital image of the individual which is issued by the Missouri National Guard, the United States armed forces, or the United States Veterans' Administration.

2. The election authority shall post a clear and conspicuous notice at each polling place informing each voter who appears at the polling place without a form of personal identification that satisfies the requirements of subsection 1 of this section that the voter may return to the polling place with a proper form of personal identification and vote a regular ballot after election judges have verified the voter's identity and eligibility under subsection 1 of this section. In addition to such posting, the election judges may also inform such voters by written or oral communication, of such information posted in the notice. Voters who return to the polling place during the uniform polling hours established by section 115.407 with a current and valid form of personal identification shall be given priority in any voting lines.

3. An individual who appears at a polling place without identification in the form described in subsection 1 of this section and who is otherwise qualified to vote at that polling place may execute an affidavit averring that the voter is the person listed in the precinct register and that the voter does not possess a form of identification specified in this section and is unable to obtain a current and valid form of personal identification because of:

(1) A physical or mental disability or handicap of the voter, if the voter is otherwise competent to vote under Missouri law; or

(2) A sincerely held religious belief against the forms of personal identification described in subsection 1 of this section; or

(3) The voter being born on or before January 1, 1941.

Upon executing such affidavit, the individual may cast a provisional ballot. Such provisional ballot shall be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast.

4. The affidavit to be used for voting under subsection 3 of this section shall be substantially in the following form:

"State of

County of

I do solemnly swear (or affirm) that my name is; that I reside at; and that I am the person listed in the precinct register under this name and at this address. I

68 further swear (or affirm) that I am unable to obtain a current and valid form of personal
69 identification because of:

70 ☐ A physical or mental disability or handicap; or

71 ☐ A sincerely held religious belief; or

72 ☐ My being born on or before January 1, 1941.

73 I understand that knowingly providing false information is a violation of law and subjects
74 me to possible criminal prosecution.

75

76 Signature of voter

77 Subscribed and affirmed before me this day of, 20....

78

79 Signature of election official"

80 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even
81 if the election judges cannot establish the voter's identity under subsection 1 of this section.
82 The election judges shall make a notation on the provisional ballot envelope to indicate that
83 the voter's identity was not verified. The provisional ballot cast by such voter shall not be
84 counted unless:

85 (1) The voter returns to the polling place during the uniform polling hours
86 established by section 115.407 and provides a form of personal identification that allows
87 the election judges to verify the voter's identity as provided in subsection 1 of this section;
88 and

89 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

90 6. The secretary of state shall provide advance notice of the personal identification
91 requirements of subsection 1 of this section in a manner calculated to inform the public
92 generally of the requirement for photographic personal identification as provided in this
93 section.

94 7. The provisions of section 136.055, RSMo, and section 302.181, RSMo,
95 notwithstanding, any applicant who requests a nondriver's license with a photograph or
96 digital image for the purpose of voting shall not be required to pay a fee if the applicant
97 executes an affidavit averring that the applicant does not have any other form of
98 photographic personal identification that meets the requirements of subsection 1 of this
99 section. The state of Missouri shall pay the legally required fees for any such applicant.
100 The director shall design an affidavit to be used for this purpose. However, any disabled
101 or elderly person otherwise competent to vote shall be issued a nondriver's license photo
102 identification through a mobile processing system operated by the Missouri department
103 of revenue upon request if the individual is physically unable to otherwise obtain a

nondriver's license photo identification. The department of revenue shall make nondriver's license photo identifications available through its mobile processing system only at facilities licensed under chapter 198, RSMo, and other public places accessible to and frequented by disabled and elderly persons. The department shall provide advance notice of the times and places when the mobile processing system will be available. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

[2.] 8. The director of the department of revenue shall, by January first of each year, prepare and deliver to each member of the general assembly a report documenting the number of individuals who have requested and received a nondriver's license photo identification for the purposes of voting under this section. The report shall also include the number of persons requesting a nondriver's license for purposes of voting under this section, but not receiving such license, and the reason for the denial of the nondriver's license.

9. The precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the precinct register:

VOTER'S IDENTIFICATION CERTIFICATE

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

PRECINCT

WARD OR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 20....

Date

I hereby certify that I am qualified to vote at this election by signing my name and verifying my address by signing my initials next to my address.

[3.] 10. The secretary of state shall promulgate rules to effectuate the provisions of this section.

[4.] 11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay

the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

[5.] **12.** If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

13. For any election held on or before November 1, 2008, an individual who appears at a polling place without identification in the form described in subsection 1 of this section, and who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

(1) Executing an affidavit which is also signed by two supervising election judges, one from each major political party, who attest that they have personal knowledge of the identity of the voter, provided that the two supervising election judges who sign an affidavit under this subdivision shall not be involved or participate in the verification of the voter's eligibility by the election authority after the provisional ballot is cast; or

(2) (a) Executing an affidavit affirming his or her identity; and

(b) Presenting a form of identification from the following list:

a. Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

b. Identification issued by the United States government or agency thereof;

c. Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

d. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the voter; or

e. Driver's license or state identification card issued by another state.

Such provisional ballot shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

14. The affidavit to be used for voting under subsection 13 of this section shall be substantially in the following form:

"State of

County of

175 I do solemnly swear (or affirm) that my name is; that I reside at;
176 and that I am the person listed in the precinct register under this name and at this address.
177 I understand that knowingly providing false information is a violation of law and subjects
178 me to possible criminal prosecution.

179

180 Signature of voter

181 Subscribed and affirmed before me this day of, 20....

182

183 Signature of Election Official".

184 **15. The provisions of subsections 1 to 6 and 8 to 14 of this section shall become**
185 **effective August 28, 2006, and this subsection shall expire September 1, 2006.**

115.430. 1. This section shall apply to primary and general elections where candidates
2 for federal or statewide offices are nominated or elected and any election where statewide issue
3 or issues are submitted to the voters.

4 2. **(1)** A voter claiming to be properly registered in the jurisdiction of the election
5 authority and eligible to vote in an election, but whose eligibility **at that precinct** cannot be
6 immediately established upon examination of the precinct register [or upon examination of the
7 records on file with the election authority], shall be entitled to vote a provisional ballot after
8 providing a form of personal identification required pursuant to section 115.427 **or upon**
9 **executing an affidavit under section 115.427**, or may vote at a central polling place as
10 established in section 115.115 where they may vote their appropriate ballot **for their precinct**
11 **of residence** upon verification of eligibility or vote a provisional ballot if eligibility cannot be
12 determined. The provisional ballot [contained in] **provided to a voter under** this section shall
13 [contain the statewide candidates and issues, and federal candidates. The congressional district
14 on the provisional ballot shall be for the address contained on] **be the ballot provided to a**
15 **resident of the voter's precinct determined by reference to** the affidavit provided for in this
16 section. If the voter declares that the voter is eligible to vote and the election authority
17 determines that the voter is eligible to vote at another polling place, the voter shall be directed
18 to the correct polling place or a central polling place as established by the election authority
19 pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place
20 or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect
21 polling place, but such ballot shall not be counted **if the voter was not eligible to vote at that**
22 **polling place.**

23 **(2) The following steps shall be taken to establish a voter's eligibility to vote at a**
24 **polling place:**

25 (a) The election judge shall examine the precinct register as provided in section
26 **115.425**. If the voter is registered and eligible to vote at the polling place, the voter shall
27 receive a regular ballot;

28 (b) If the voter's eligibility cannot be immediately established by examining the
29 precinct register, the election judge shall contact the election authority. If the election
30 authority cannot immediately establish that the voter is registered and eligible to vote at
31 the polling place upon examination of the Missouri voter registration system, or if the
32 election judge is unable to make contact with the election authority immediately, the voter
33 shall be notified that the voter is entitled to a provisional ballot.

34 (3) The voter shall have the duty to appear and vote at the correct polling place.
35 If an election judge determines that the voter is not eligible to vote at the polling place at
36 which a voter presents himself or herself, and if the voter appears to be eligible to vote at
37 another polling place, the voter shall be informed that he or she may cast a provisional
38 ballot at the current polling place or may travel to the correct polling place or a central
39 polling place, as established by the election authority under subsection 5 of section 115.115,
40 where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still
41 cannot be determined. Provisional ballots cast at a polling place shall be counted only if
42 the voter was eligible to vote at such polling place as provided in subsection 5 of this
43 section.

44 (4) For a voter requesting an absentee ballot in person, such voter shall be entitled
45 to cast a provisional ballot when the voter's eligibility cannot be immediately established
46 upon examination of the precinct registers or the Missouri voter registration system.

47 (5) Prior to accepting any provisional ballot at the polling place, the election judges
48 shall determine that the information provided on the provisional ballot envelope by the
49 provisional voter is consistent with the identification provided by such person under
50 section 115.427.

51 3. (1) No person shall be entitled to receive a provisional ballot until such person
52 has completed a provisional ballot affidavit on the provisional ballot envelope.

53 (2) The secretary of state shall produce appropriate sizes of provisional ballot
54 envelopes and distribute them to each election authority according to their tabulating
55 system. All provisional ballot envelopes shall be printed on a distinguishable color of paper
56 that is different from the color of the regular ballot. The provisional ballot envelope shall
57 be in the form required by subsection 4 of this section. All provisional ballots shall be
58 marked with a conspicuous stamp or other distinguishing mark that makes them readily
59 distinguishable from the regular ballots.

60 (3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot
61 envelope.

62 4. The provisional ballot in its envelope shall be deposited in the ballot box. The
63 provisional ballot envelope shall be completed by the voter for use in determining eligibility.
64 The provisional ballot envelope specified in this section shall contain a voter's certificate which
65 shall be in substantially the following form:

66 STATE OF

67 COUNTY OF

68 I do solemnly swear (or affirm) that my name is; that my date of birth is
69; that the last four digits of my Social Security Number are; that I am
70 registered to vote in County or City (if a City not within a County), Missouri; that I
71 am a qualified voter of said County (or City not within a County); that I am eligible to vote at
72 this polling place; and that I have not voted in this election.

73 I understand that if the above-provided information is not correct and the election
74 authority determines that I am not registered and eligible to vote, my vote will not be counted.
75 I further understand that knowingly providing false information is a violation of law and subjects
76 me to possible criminal prosecution.

77

78 (Signature of Voter)

79

80 (Current Address)

81 Subscribed and affirmed before me this day of, 20.....

82

83 (Signature of Election Official)

84

85 The voter may provide additional information to further assist the election authority in
86 determining eligibility, including the place and date the voter registered to vote, if known.

87 [4.] 5. (1) Prior to [certification of the election] **counting any provisional ballot**, the
88 election authority shall determine if the voter is registered and [entitled] **eligible** to vote and if
89 the vote was properly cast. **The eligibility of provisional votes shall be determined according**
90 **to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133**
91 **and 115.135. A provisional voter ballot shall not be eligible to be counted until the election**
92 **authority has determined that:**

93 (a) The voter cast such provisional ballot at a polling place established for the voter
94 or the central polling place established by the election authority under subsection 5 of
95 section 115.115;

96 (b) The individual who cast the provisional ballot is an individual registered to vote
97 in the respective election at the polling place where the ballot was cast;

98 (c) The voter did not otherwise vote in the same election by regular ballot, absentee
99 ballot, or otherwise; and

100 (d) The information on the provisional ballot envelope is found to be correct,
101 complete, and accurate.

102 (2) When the ballot boxes are delivered to the election authority from the polling
103 places, the receiving teams shall separate the provisional ballots from the rest of the ballots
104 and place the sealed provisional ballot envelopes in a separate container. Teams of election
105 authority employees or teams of election judges with each team consisting of one member
106 of each major political party shall photocopy each provisional ballot envelope, such
107 photocopy to be used by the election authority to determine provisional voter eligibility.
108 The sealed provisional ballot envelopes shall be placed by the team in a sealed container
109 and shall remain therein until tabulation.

110 (3) To determine whether a provisional ballot is valid and entitled to be counted,
111 the election authority shall examine its records and verify that the provisional voter is
112 properly registered and eligible to vote in the election. If the provisional voter has
113 provided information regarding the registration agency where the provisional voter
114 registered to vote, the election authority shall make an inquiry of the registration agency
115 to determine whether the provisional voter is properly registered and eligible to vote in the
116 election.

117 (4) If the election authority determines that the provisional voter is registered and
118 eligible to vote in the election, the election authority shall provide documentation verifying
119 the voter's eligibility. Such documentation shall be noted on the copy of the provisional
120 ballot envelope and shall contain substantially the following information:

121 (a) The name of the provisional voter;

122 (b) The name of the reviewer;

123 (c) The date and time; and

124 (d) A description of evidence found that supports the voter's eligibility.

125 (5) The local election authority shall record on a provisional ballot
126 acceptance/rejection list the provisional ballot identification number and a notation
127 marking it as accepted.

128 (6) If the election authority determines that the provisional voter is not registered
129 or eligible to vote in the election, the election authority shall provide documentation
130 verifying the voter's ineligibility. Such documentation shall be noted on the copy of the
131 provisional ballot envelope and shall contain substantially the following information:

- 132 (a) The name of the provisional voter;
133 (b) The name of the reviewer;
134 (c) The date and time;
135 (d) A description of why the voter is ineligible.
- 136 (7) The local election authority shall record on a provisional ballot
137 acceptance/rejection list the provisional ballot identification number and notation marking
138 it as rejected.
- 139 (8) If rejected, a photocopy of the envelope shall be made and used by the election
140 authority as a mail-in voter registration. The actual provisional ballot envelope shall be
141 kept as ballot material, and the copy of the envelope shall be used by the election authority
142 for registration record keeping.
- 143 6. All provisional ballots cast by voters whose eligibility has been verified as
144 provided in this section shall be counted in accordance with the rules governing ballot
145 tabulation. Provisional ballots shall not be counted until all provisional ballots are
146 determined either eligible or ineligible and all provisional ballots must be processed before
147 the election is certified. The provisional ballot shall be counted only if the election authority
148 determines that the voter is registered and [entitled] **eligible** to vote. Provisional ballots voted
149 in the wrong polling place shall not be counted. If the voter is not registered but is qualified to
150 register for future elections, the affidavit shall be considered a [mail] **mail-in** application to
151 register to vote pursuant to this chapter.
- 152 7. (1) After the election authority completes its review of the provisional voter's
153 eligibility under subsection 5 of this section, the election authority shall deliver the
154 provisional ballots and copies of the provisional ballot envelopes that include eligibility
155 information to bipartisan counting teams, which may be the board of verification, for
156 review and tabulation. The election authority shall maintain a record of such delivery.
157 The record shall include the number of ballots delivered to each team and shall include a
158 signed receipt from two judges, one from each major political party. The election authority
159 shall provide each team with a ballot box and material necessary for tabulation.
- 160 (2) If the person named on the provisional ballot affidavit is found to have been
161 properly qualified and registered to cast a ballot in the election and the provisional ballot
162 otherwise qualifies to be counted under the provisions of this section, the envelope shall be
163 opened, and the ballot shall be placed in a ballot box to be counted.
- 164 (3) If the person named on the provisional ballot affidavit is found not to have been
165 properly qualified and registered to cast a ballot in the election or if the election authority
166 is unable to determine such person's right to vote, the envelope containing the provisional
167 ballot shall not be opened, and the person's vote shall not be counted. The members of the

168 team shall follow the procedures set forth in subsection 5 of this section for rejected
169 provisional ballots.

170 (4) The votes shall be tallied and the returns made as provided in sections 115.447
171 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been
172 counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility
173 information provided by the election authority shall be enclosed in sealed containers
174 marked "Voted provisional ballots and ballot envelopes from the election held, 20...".
175 All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the
176 eligibility information provided by the election authority shall be enclosed in sealed
177 containers marked "Rejected provisional ballots and ballot envelopes from the election
178 held, 20...". On the outside of each voted ballot and rejected ballot container, each
179 member of the team shall write their name and all such containers shall be returned to the
180 election authority. Upon receipt of the returns and ballots, the election authority shall
181 tabulate the provisional votes.

182 8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be
183 present during all times that the bipartisan counting teams are reviewing or counting the
184 provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot
185 envelopes that include eligibility information provided by the election authority.
186 Challengers and watchers shall be permitted to observe the determination of the eligibility
187 of all provisional ballots. The election authority shall notify the county chair of each major
188 political party of the time and location when bipartisan counting teams will be reviewing
189 or counting the provisional ballots, the provisional ballot envelopes, or the copies of the
190 provisional ballot envelopes that include the eligibility information provided by the election
191 authority.

192 9. The certificate of ballot cards shall:

193 (1) Reflect the number of provisional envelopes delivered; and

194 (2) Reflect the number of sealed provisional envelopes with voted ballots deposited
195 in the ballot box.

196 [5.] 10. In counties where the voting system does not utilize a paper ballot, the election
197 authority shall provide the appropriate provisional ballots to each polling place.

198 [6.] 11. The secretary of state may promulgate rules for purposes of ensuring the uniform
199 application of this section. No rule or portion of a rule promulgated pursuant to the authority of
200 this section shall become effective unless it has been promulgated pursuant to chapter 536,
201 RSMo.

202 [7.] 12. The secretary of state shall design and provide to the election authorities the
203 envelopes and forms necessary to carry out the provisions of this section.

[8.] 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

[9.] 14. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. **No state court shall have jurisdiction to extend the polling hours established by law, including section 115.407.**

115.431. [1. In counties using binders as the precinct register, upon satisfactory identification of the voter, two judges of different political parties shall initial the voter's identification certificate. All identification certificates shall be numbered consecutively by an election judge in the order received, starting with the number "1". The signed identification certificates shall constitute the poll list and shall be securely fastened together in the order received.

2. In counties using computer printouts for precinct registers,] Upon satisfactory identification of the voter, two judges of different political parties shall place their initials on the line where the voter signed the [printout] **precinct register**. All voters' names on the [printout] **precinct register** shall be numbered consecutively in the order in which they have signed, starting with the number "1". The computer [printout] **precinct register** shall then constitute the poll list.

115.439. 1. If paper ballots or ballot cards are used, the voter shall, immediately upon receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

(1) [If the voter desires to vote a straight party ticket, he may place a cross (X) mark in the circle directly below the party name at the head of the column, or he may place cross (X) marks in the squares directly to the left of the names of candidates on one party ticket;

(2) If the voter desires to vote a split party ticket, he may place a cross (X) mark in the circle directly below one party name at the head of the column and cross (X) marks in the squares directly to the left of the names of candidates on other party tickets, or he may place cross (X) marks in the squares directly to the left of the names of candidates on different party tickets]

10 **When a voter desires to vote for a candidate, the voter shall place a cross (X) mark in the**
11 **square directly to the left of the name of the candidate for which the voter intends to vote;**

12 [(3)] (2) If the voter desires to vote for a person whose name does not appear on the
13 ballot, [he] **the voter** may cross out a name which appears on the ballot for the office and write
14 the name of the person for whom he wishes to vote above or below the crossed-out name and
15 place a cross (X) mark in the square directly to the left of the crossed-out name. If a write-in line
16 appears on the ballot, [he] **the voter** may write the name of the person for whom he **or she**
17 wishes to vote on the line and place a cross (X) mark in the square directly to the left of the
18 name;

19 [(4)] If the ballot does not contain any party designations, the voter shall place a cross (X)
20 mark in the squares directly to the left of the names of the candidates for whom he desires to
21 vote;

22 [(5)] (3) If the ballot is one which contains no candidates, the voter shall place a cross (X)
23 mark in the square directly to the left of each "yes" or "no" he desires to vote.

24 No voter shall vote for the same person more than once for the same office at the same election.

25 2. For purposes of this section, a punch or sensor mark or any other mark clearly
26 indicating that the voter intends to mark that particular square shall be equivalent to a cross (X)
27 mark.

28 3. If voting machines are used, the voter shall, immediately upon direction by the judges,
29 go alone to a voting machine, close the curtain and vote in substantially the same manner
30 provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot,
31 however, the voter shall cause the designations to appear on the face of the voting machine, cast
32 any write-in votes and register his votes as directed in the instructions for use of the machine.

33 4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may
34 return it to an election judge and receive another. The election judge shall mark "SPOILED"
35 across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After
36 another ballot has been prepared in the manner provided in section 115.433, the ballot shall be
37 given to the voter for voting.

38 5. The election authority may authorize the use of a sticker or other item containing a
39 write-in candidate's name, in lieu of a handwritten name. All such stickers and items used by
40 election authorities shall conform to rules and regulations promulgated by the secretary of state
41 regarding the form of such stickers and items. The secretary of state shall promulgate rules and
42 regulations to prescribe uniform specifications for the form of such stickers and items. If
43 authorized, such sticker or item shall contain a cross (X) mark, or other mark as described in
44 subsection 2 of this section, in the square directly left of the candidate's name and the office for
45 which the candidate is a write-in candidate. A write-in vote that does not meet the requirements

46 of this subsection which appears on a ballot shall not be counted pursuant to sections 115.447
47 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense
48 or optical scan technology and if the election authority authorizes the use of stickers for
49 write-ins, such system shall be programmed to identify and separate those ballots which contain
50 an office in which write-in candidates are eligible to receive votes, and which contain less votes
51 than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as
52 defined in subsection 8 of section 130.031, RSMo, and as such shall contain the designation
53 required by subsection 8 of section 130.031, RSMo.

54 6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
55 is created under the authority delegated in this section shall become effective only if it complies
56 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
58 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
59 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
60 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
61 invalid and void.

115.445. 1. Except as provided in subsections 2 and 3 of this section, no one other than
2 the voter shall be permitted in any voting booth or permitted to be in any position where he may
3 see how a voter is voting.

4 2. If any voter, after entering a voting booth, asks for further instructions concerning the
5 manner of voting, two election judges of different political parties shall give such instructions.
6 Such judges shall not enter the voting booth unless it is impossible to give the instructions
7 otherwise. After giving the instructions, the judges shall leave the area and take all necessary
8 measures to insure that the voter casts his vote in secret.

9 3. If any voter declares under oath to the election judges that he cannot read or write, is
10 blind or has any other physical disability and cannot vote his ballot, he may be assisted by the
11 election judges or by any person of his own choice other than a judge. If the voter asks for the
12 assistance of election judges, two judges of different political parties shall go to the voting booth
13 and cast his vote as he directs. If the voter asks for the assistance of someone other than election
14 judges, the assistant shall go to the voting booth with the voter and cast his vote as he directs.
15 No person, other than election judges and members of such voters' immediate families, shall
16 assist more than one voter at one election.

17 **4. Children under the age of eighteen shall be allowed to accompany his or her**
18 **parent, grandparent, or guardian into a voting booth.**

115.449. 1. As soon as the polls close in each polling place using paper ballots, the
2 election judges shall begin to count the votes. If earlier counting is begun pursuant to section

3 115.451, the election judges shall complete the count in the manner provided by this section.
4 Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

5 2. One counting judge, closely observed by the other counting judge, shall take the
6 ballots out of the ballot box one at a time and, holding each ballot in such a way that the other
7 counting judge may read it, shall read the name of each candidate properly voted for and the
8 office sought by each. As each vote is called out, the recording judges shall each record the vote
9 on a tally sheet. The votes for and against all questions shall likewise be read and recorded. [In
10 a general election, the counting judges may separate the straight party ballots from the split party
11 ballots and first read one and then the other.] If more than one political subdivision or special
12 district is holding an election on the same day at the same polling place and using separate
13 ballots, the counting judges may separate the ballots of each political subdivision and special
14 district and first read one set, then the next and so on until all proper votes have been counted.

15 3. After all of the proper votes on a ballot have been counted, the ballot shall be strung
16 on a wire or string in the order read. After all the ballots have been read and strung and after the
17 recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot
18 shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots
19 shall not be strung but shall be placed in separate containers marked "REJECTED" and
20 "SPOILED".

21 4. After the recording of all proper votes, the recording judges shall compare their tallies.
22 When the recording judges agree on the count, they shall sign both of the tally sheets, and one
23 of the recording judges shall announce in a loud voice the total number of votes for each
24 candidate and for and against each question.

25 5. After the announcement of the vote, the election judges shall record the vote totals in
26 the appropriate places on each statement of returns. If any tally sheet or statement of returns
27 contains no heading for any question, the election judges shall write the necessary headings on
28 the tally sheet or statement of returns.

115.453. Election judges shall count votes for all candidates in the following manner:

2 (1) [If a cross (X) mark appears in the circle immediately below a party name at the head
3 of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark
4 appears in the circle immediately below more than one party name,] No candidate shall be
5 counted as voted for, except a candidate before whose name a cross (X) mark appears in the
6 square preceding the name and a cross (X) mark does not appear in the square preceding the
7 name of any candidate for the same office in another column. [If a cross (X) mark appears in the
8 circle immediately below a party name at the head of a column, and a cross (X) mark appears in
9 the square next to the name of any candidate in another column, each candidate of the party
10 whose circle is marked shall be counted as voted for, except where a cross (X) mark appears in

11 the square preceding the name of any candidate in another column.] Except as provided in this
12 subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the
13 square preceding his or her name shall be counted as voted for.

14 (2) [If no cross (X) mark appears in the circle immediately below any party name, but
15 a cross (X) mark does appear in the square next to any candidate's name, the name of each
16 candidate next to which a cross (X) mark appears shall be counted as voted for, and no other
17 name shall be counted as voted for.] If cross (X) marks appear next to the names of more
18 candidates for an office than are entitled to fill the office, no candidate for the office shall be
19 counted as voted for. If more than one candidate is to be nominated or elected to an office, and
20 any voter has voted for the same candidate more than once for the same office at the same
21 election, no votes cast by the voter for the candidate shall be counted.

22 (3) No vote shall be counted for any candidate that is not marked substantially in
23 accordance with the provisions of this section. The judges shall count votes marked substantially
24 in accordance with this section **and section 115.456** when the intent of the voter seems clear.
25 Regulations promulgated by the secretary of state shall be used by the judges to determine voter
26 intent. No ballot containing any proper votes shall be rejected for containing fewer marks than
27 are authorized by law.

28 (4) Write-in votes shall be counted only for candidates for election to office who have
29 filed a declaration of intent to be a write-in candidate for election to office with the proper
30 election authority, who shall then notify the proper filing officer of the write-in candidate prior
31 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in
32 votes shall be counted only for candidates for election to state or federal office who have filed
33 a declaration of intent to be a write-in candidate for election to state or federal office with the
34 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday
35 immediately preceding the election day. No person who filed as a party or independent candidate
36 for nomination or election to an office may, without withdrawing as provided by law, file as a
37 write-in candidate for election to the same office for the same term. No candidate who files for
38 nomination to an office and is not nominated at a primary election may file a declaration of intent
39 to be a write-in candidate for the same office at the general election. When declarations are
40 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of
41 all such declarations to the proper election authorities for further action pursuant to this section.
42 The election authority shall furnish a list to the election judges and counting teams prior to
43 election day of all write-in candidates who have filed such declaration. This subdivision shall
44 not apply to elections wherein candidates are being elected to an office for which no candidate
45 has filed.

46 (5) Write-in votes shall be cast and counted for a candidate without party designation.
47 Write-in votes for a person cast with a party designation shall not be counted. Except for
48 candidates for political party committees, no candidate shall be elected as a write-in candidate
49 unless such candidate receives a separate plurality of the votes without party designation
50 regardless of whether or not the total write-in votes for such candidate under all party and
51 without party designations totals a majority of the votes cast.

52 (6) When submitted to the election authority, each declaration of intent to be a write-in
53 candidate for the office of United States president shall include the name of a candidate for vice
54 president and the name of nominees for presidential elector equal to the number to which the
55 state is entitled. At least one qualified resident of each congressional district shall be nominated
56 as presidential elector. Each such declaration of intent to be a write-in candidate shall be
57 accompanied by a declaration of candidacy for each presidential elector in substantially the form
58 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of
59 presidential elector shall be subscribed and sworn to by the candidate before the election official
60 receiving the declaration of intent to be a write-in, notary public or other officer authorized by
61 law to administer oaths.

**115.456. 1. The election authority shall be responsible for ensuring that the
2 standards provided for in this subsection are followed when counting ballots cast using
3 punch card voting systems.**

4 (1) Prior to tabulating ballots, all ballot cards shall be inspected by the election
5 authority for hanging chad and damaged ballots. Inspection of ballot cards shall be
6 conducted using the following guidelines:

7 (a) The election authority shall appoint a bipartisan team to inspect all ballots
8 where a question exists about the condition of a ballot or existence of a hanging chad;

9 (b) All ballot card inspections conducted under this section shall be conducted by
10 examining the ballot card from the back of the card;

11 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil the
12 original ballot and duplicate the voter's intent on the new ballot, provided that there is an
13 undisputed method of matching the duplicate card with its original after it has been placed
14 with the remainder of the ballot cards from the precinct; and

15 (d) If a chad is determined to be hanging by two or less corners, it shall be removed
16 prior to being tabulated.

17 (2) In jurisdictions using punch card systems, a valid vote for a write-in candidate
18 shall include the following:

19 (a) A distinguishing mark in the square immediately preceding the name of the
20 candidate;

21 (b) The name of the candidate. If the name of the candidate as written by the voter
22 is substantially as declared by the candidate it shall be counted, or in those circumstances
23 where the names of candidates are similar, the names of candidates as shown on voter
24 registration records shall be counted; and

25 (c) The name of the office for which the candidate is to be elected.

26 (3) Whenever a hand recount of votes is ordered of punch card ballots, the
27 provisions of this subsection shall be used to determine voter intent.

28 2. The election authority shall be responsible for ensuring that the standards
29 provided for in this subsection are followed when counting ballots cast using optical scan
30 voting systems.

31 (1) Prior to tabulating ballots, all machines shall be programmed to reject blank
32 ballots where no votes are recorded or where an overvote is registered in any race.

33 (2) In jurisdictions using precinct-based tabulators, the voter who cast the ballot
34 shall review the ballot if rejected, if the voter wishes to make any changes to the ballot, or
35 if the voter would like to spoil the ballot and receive another ballot.

36 (3) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall
37 be reviewed by a bipartisan team using the following criteria:

38 (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the
39 original ballot and duplicate the voter's intent on the new ballot, provided that there is an
40 undisputed method of matching the duplicate card with its original after it has been placed
41 with the remainder of the ballot cards from such precinct; and

42 (b) Voter intent shall be determined using the following criteria:

43 a. There is a distinguishing mark in the printed oval adjacent to the name of the
44 candidate or issue preference;

45 b. There is a distinguishing mark adjacent to the name of the candidate or issue
46 preference; or

47 c. The name of the candidate or issue preference is circled.

48 (4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate
49 shall include the following:

50 (a) A distinguishing mark in the designated location preceding the name of the
51 candidate;

52 (b) The name of the candidate. If the name of the candidate as written by the voter
53 is substantially as declared by the candidate it shall be counted, or in those circumstances
54 where the names of candidates are similar, the names of candidates as shown on voter
55 registration records shall be counted; and

56 (c) The name of the office for which the candidate is to be elected.

57 **(5) Whenever a hand recount of votes of optical scan ballots is ordered, the**
58 **provisions of this subsection shall be used to determine voter intent.**

59 **3. The election authority shall be responsible for ensuring that the standards**
60 **provided for in this subsection are followed when counting ballots cast using paper ballots.**

61 **(1) Voter intent shall be determined using the following criteria:**

62 **(a) There is a distinguishing mark in the square adjacent to the name of the**
63 **candidate or issue preference;**

64 **(b) There is a distinguishing mark adjacent to the name of the candidate or issue**
65 **preference; or**

66 **(c) The name of the candidate or issue preference is circled.**

67 **(2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall**
68 **include the following:**

69 **(a) A distinguishing mark in the square immediately preceding the name of the**
70 **candidate;**

71 **(b) The name of the candidate. If the name of the candidate as written by the voter**
72 **is substantially as declared by the candidate it shall be counted, or in those circumstances**
73 **where the names of candidates are similar, the names of candidates as shown on voter**
74 **registration records shall be counted; and**

75 **(c) The name of the office for which the candidate is to be elected.**

76 **(3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of**
77 **this subsection shall be used to determine voter intent.**

78 **4. When write-in stickers are used, the sticker shall contain the name of a**
79 **candidate, the office sought, and a distinguishing mark in the square immediately**
80 **preceding the name of the candidate and shall be approximately one inch by three inches**
81 **in size with black print on a white background. The sticker shall be placed by the voter**
82 **on the write-in line designating the office sought or the sticker shall be placed by the voter**
83 **on the write-in line on the secrecy envelope.**

84 **5. Notwithstanding any other provision of law, a distinguishing mark indicating a**
85 **general preference for or against the candidates of one political party shall not be**
86 **considered a vote for or against any specific candidate.**

115.631. The following offenses, and any others specifically so described by law, shall
2 be class one election offenses and are deemed felonies connected with the exercise of the right
3 of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more
4 than five years or by fine of not less than two thousand five hundred dollars but not more than
5 ten thousand dollars or by both such imprisonment and fine:

6 (1) Willfully and falsely making any certificate, affidavit, or statement required to be
7 made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460,
8 RSMo, including but not limited to statements specifically required to be made "under penalty
9 of perjury"; or in any other manner knowingly furnishing false information to an election
10 authority or election official engaged in any lawful duty or action in such a way as to hinder or
11 mislead the authority or official in the performance of official duties. If an individual willfully
12 and falsely makes any certificate, affidavit, or statement required to be made under section
13 115.155, including but not limited to statements specifically required to be made "under penalty
14 of perjury", such individual shall be guilty of a class C felony;

15 (2) Voting more than once or voting at any election knowing that the person is not
16 entitled to vote or that the person has already voted on the same day at another location inside
17 or outside the state of Missouri;

18 (3) Procuring any person to vote knowing the person is not lawfully entitled to vote or
19 knowingly procuring an illegal vote to be cast at any election;

20 (4) Applying for a ballot in the name of any other person, whether the name be that of
21 a person living or dead or of a fictitious person, or applying for a ballot in his own or any other
22 name after having once voted at the election inside or outside the state of Missouri;

23 (5) Aiding, abetting or advising another person to vote knowing the person is not legally
24 entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

25 (6) An election judge knowingly causing or permitting any ballot to be in the ballot box
26 at the opening of the polls and before the voting commences;

27 (7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or
28 knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected,
29 or otherwise defrauding him of his vote;

30 (8) An election judge knowingly placing or attempting to place or permitting any ballot,
31 or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the
32 ballot is offered by a qualified voter as provided by law;

33 (9) Knowingly placing or attempting to place or causing to be placed any false or
34 fraudulent or bogus ballot in a ballot box at any election;

35 (10) Knowingly removing any legal ballot from a ballot box for the purpose of changing
36 the true and lawful count of any election or in any other manner knowingly changing the true and
37 lawful count of any election;

38 (11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after
39 it has been voted for the purpose of changing the lawful count of any election;

40 (12) Knowingly altering, defacing, damaging, destroying or concealing any poll list,
41 report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

42 (13) On the part of any person authorized to receive, tally or count a poll list, tally sheet
43 or election return, receiving, tallying or counting a poll list, tally sheet or election return the
44 person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of
45 any election;

46 (14) On the part of any person whose duty it is to grant certificates of election, or in any
47 manner declare the result of an election, granting a certificate to a person the person knows is not
48 entitled to receive the certificate, or declaring any election result the person knows is based upon
49 fraudulent, fictitious or illegal votes or returns;

50 (15) Willfully destroying or damaging any official ballots, whether marked or unmarked,
51 after the ballots have been prepared for use at an election and during the time they are required
52 by law to be preserved in the custody of the election judges or the election authority;

53 (16) Willfully tampering with, disarranging, altering the information on, defacing,
54 impairing or destroying any voting machine or marking device after the machine or marking
55 device has been prepared for use at an election and during the time it is required by law to remain
56 locked and sealed with intent to impair the functioning of the machine or marking device at an
57 election, mislead any voter at the election, or to destroy or change the count or record of votes
58 on such machine;

59 (17) Registering to vote knowing the person is not legally entitled to register or
60 registering in the name of another person, whether the name be that of a person living or dead
61 or of a fictitious person;

62 (18) Procuring any other person to register knowing the person is not legally entitled to
63 register, or aiding, abetting or advising another person to register knowing the person is not
64 legally entitled to register;

65 (19) Knowingly preparing, altering or substituting any computer program or other
66 counting equipment to give an untrue or unlawful result of an election;

67 (20) On the part of any person assisting a blind or disabled person to vote, knowingly
68 failing to cast such person's vote as such person directs;

69 (21) On the part of any registration or election official, permitting any person to register
70 to vote or to vote when such official knows the person is not legally entitled to register or not
71 legally entitled to vote;

72 (22) On the part of a notary public acting in his official capacity, knowingly violating
73 any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to
74 elections;

75 (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any
76 provision of law pertaining to absentee voting;

77 (24) Assisting a person to vote knowing such person is not legally entitled to such
78 assistance, or while assisting a person to vote who is legally entitled to such assistance, in any
79 manner coercing, requesting or suggesting that the voter vote for or against, or refrain from
80 voting on any question, ticket or candidate;

81 **(25) Engaging in any act of violence, destruction of property having a value of five**
82 **hundred dollars or more, or threatened act of violence with the intent of denying a person's**
83 **lawful right to vote or to participate in the election process; and**

84 **(26) Knowingly provide false information about election procedures for the**
85 **purpose of preventing any person from going to the polls.**

115.637. The following offenses, and any others specifically so described by law, shall
2 be class four election offenses and are deemed misdemeanors not connected with the exercise
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate
10 and substituting the name of the person for whom he intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned
23 to him;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving

28 funds for political purpose, acting as chairman or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his behalf, knowingly distributing or
39 causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his possession any official ballot, except in the performance
41 of his duty as an election authority or official, or in the act of exercising his individual voting
42 privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, willfully absenting himself from the polls on
45 election day without good cause or willfully detaining any election material or equipment and
46 not causing it to be produced at the voting place at the opening of the polls or within fifteen
47 minutes thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him by law with respect to holding and conducting an
50 election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his ballot
55 to be seen by any person with the intent of letting it be known how he is about to vote or has
56 voted, or knowingly making a false statement as to his inability to mark his ballot;

57 (15) On the part of any election judge, disclosing to any person the name of any
58 candidate for whom a voter has voted;

59 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

60 (17) On the part of any person at any registration site, polling place, counting location
61 or verification location, causing any breach of the peace or engaging in disorderly conduct,
62 violence, or threats of violence whereby such registration, election, count or verification is
63 impeded or interfered with;

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
66 voted on at an election on election day inside the building in which a polling place is located or
67 within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the
68 part of any person, refusing to remove or permit removal from property owned or controlled by
69 him, any such election sign or literature located within such distance on such day after request
70 for removal by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of
73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day.

2 [115.126. 1. Notwithstanding any provision of this chapter to the
3 contrary, election authorities shall establish a plan to implement an advance
4 voting period when eligible registered voters may vote before any general
5 election in presidential election years at the office of the election authority and
6 up to four other polling places designated by and under the control of the election
7 authority. Such plan shall provide that the permissible advance voting period
8 shall begin fourteen days prior to such election and end at 5:00 p.m. on the
9 Wednesday before the day of such election.

10 2. Election authorities shall, pursuant to subsection 1 of this section,
11 establish in their plans the hours and locations for advance voting. The election
12 authority shall have all advance voting locations open on all business days during
13 the advance voting period, and may have all advance voting locations open on
14 Saturdays, Sundays and holidays during the advance voting period.

15 3. Except as provided in this section, advance voting procedures shall be
16 conducted pursuant to sections 115.407 to 115.445. The secretary of state shall
17 design the necessary application for use in an advance voting program pursuant
18 to this section. All election authorities in this state shall submit to the secretary
19 of state a plan to implement the advance voting period by December 31, 2002.
20 The secretary of state shall assist election authorities in developing a plan for the
21 implementation of an advance voting program.

22 4. The plans established pursuant to this section shall also require that
23 before the precinct registers are delivered to the polling places for an election, the
24 election authority shall record in the precinct registers the names of all voters
25 who have submitted an advance voting ballot. The election judge shall not allow
26 any person who has voted an advance voting ballot in the election to vote at the
27 polls on election day. If it is determined that any voter submitted an advance
voting ballot and voted at the polls on election day, such person, having voted

more than once, is guilty of a class one election offense pursuant to subdivision (2) of section 115.631.

5. The secretary of state may promulgate rules to effectuate the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.]

[115.223. Whenever a voter's name has been removed from the registration records by an election authority, the voter may appeal the removal to the circuit court. Unless prohibited by court rule, the petition may be filed in an associate circuit court division. No formal pleading shall be required, and it shall be sufficient for the voter to present to the court an application verified by affidavit setting forth that his name has been removed from the registration records, the date of such removal, and any other information showing his qualification to vote. The application shall first be presented to the election authority, which shall either restore the voter's name to the registration records or furnish a statement showing the reason the voter's name was removed from the records. The court shall hear and dispose of such application forthwith. Evidence may be introduced for and against the application. If the court sustains the application, the court shall notify the election authority of its action, and the election authority shall restore the applicant's name to the registration records and note that it was restored by order of the court. No person whose name is restored to the registration records by order of the court shall be protected by such order if he is challenged or prosecuted for false registration or false voting. If a voter's name is restored to the registration records by the election authority or by order of the court on election day, the voter shall be permitted to vote in the office of the election authority.]

Section B. Because of the need to provide the citizens of this state adequate time to transition into the voter identification provisions required by section A of this act, the repeal and reenactment of section 115.427 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 115.427 of section A of this act shall be in full force and effect upon its passage and approval.

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